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EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT PAPER NUMBER

2154

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/811,161

Applicant(s)

STRAHM ET AL.

Examiner

Ashok B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.  
4a) Of the above claim(s) 12, 15, 16 and 33-37 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-48 are subject to examination. Claims 12, 15, 16 and 33-37 have been cancelled.

#### ***Response to Arguments***

2. Applicant's arguments filed April 30, 2004 have been fully considered but they are not persuasive for the following reasons:

#### **Rejections of claims 1, 19, 23 and 28 as anticipated by Jawanda:**

##### **Applicant's argument:**

"Claims 1, 19, 23, and 28 have been amended. For example, the method of claim 1 includes communicating information via the active connection using the information exchange protocol established for the first connection. Jawanda does not teach or suggest using the information exchange protocol established for the first connection, particularly when the active connection is switch from the first connection, for example, to a second connection."

"Because Jawanda does not teach using the information exchange protocol established for the first connection with a subsequently selected active connection, Jawanda does not anticipate the method of claim 1 and claims that depend from claim 1. The same reasoning applies to independent claims 19, 23, and 28 and the claims that depend from them."

##### **Examiner's response:**

First of all Examiner would like to point out what Claim 1 recites :

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A method comprising:

at a device, opening a first connection to a server;

establishing an information exchange protocol for communicating on the first connection;

at a device, opening a second connection to the server;

selecting from connections including the second connection, a connection to be an active connection; and

communicating information via the active connection using the information exchange protocol established for the active connection.

As such, as clearly stated in the claim that "at a device, selection is made from connections including the second connection and the selected connection is "a connection to be an active connection", and begin "communicating information via the active connection using the information exchange protocol established for the active connection ."

Now, let us examine what Jawanda has to teach, in col. 4, line 47-60, "As discussed above with respect to FIG. 3, at the higher layers of connectivity the outward-bound datagrams are passed from application 90 to network access arbitrator 92, which routes the datagrams to CAI 94. CAI 94 transmits the datagrams via I/O adapter 78, mobile phone 16, base station 30, NSS 32 and IWF 36 to the CAI 94 executed by WNG 38. The CAI 94 executed by WNG 38 in turn transmits the datagrams to WLAN-G 22 utilizing the mobile IP protocol. In response to receipt of datagrams by WLAN-G 22, WLAN-G 22 converts the datagrams to the appropriate protocol for WLAN 12 and

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forwards them to the fixed terminal 24 executing application 91. Datagrams transmitted from application 91 to application 90 follows the reverse data path.”( at a device, opening a first connection to a server; establishing an information exchange protocol for communicating on the first connection;)

Here, Jawanda has been transmitting through a first connection which is active.

Jawanda further goes on disclosing in the same column, line 61-67, “As depicted at block 106, a determination can be made at any time following block 102 whether or not a higher bandwidth data connection is available. The determination illustrated at block 106 can be made by WLAN interface 96, for example, which may periodically poll to determine whether a connection can be obtained directly with WLAN 12 via wireless network adapter 20.” (“looking for an another connection such that a ”selection to be made” between whether to keep transmitting as it is or, through another connection (a process of “a connection to be made active connection” through a ”selection to be made”)

Jawanda further goes on disclosing in col. 5, line 20-27, “Returning to block 106, in response to a determination that a higher bandwidth data connection (i.e., a direct connection to WLAN via wireless network adapter 20) is available, for example, due to mobile terminal 14 being moved into the service area of WLAN 12, the process proceeds to block 120. Block 120 depicts mobile terminal 14 establishing a second wireless data connection (at a device, opening a second connection to the server;) by logging on to WLAN 12 via wireless network adapter 20. “ (selecting from connections including the second connection, a connection to be an active connection; and

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communicating information via the active connection using the information exchange protocol established for the active connection.)

Thus Jawanda teaches what claim 1 recites. And as such, as the Applicant has stated, the same reasoning applies to independent claims 19, 23, and 28 and the claims that depend from them.

**Rejection of Claims 11 and 17 in view of Tso and other references:**

**Applicant's argument:**

"Since Tso et al. cannot be asserted under j 103 against the present application, the applicants respectfully submit that the rejection of claims 11 and 17 can be withdrawn."

**Examiner's response:**

Rejections of claims 11 and 17 with respect to Tso have been withdrawn.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-4, 6, 7, 19, 20, 23-25, 28-32, 38-45 and 48 are rejected under 35 U.S.C. 102(e) as being anticipated by Jawanda (US 6,243,581).**

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**As per claim 1**, Jawanda teaches a method comprising:

at a device 14, opening a first connection to a server 24 (Fig. 1; col. 4, lines 3138; block 102, Fig. 4);

establishing an information exchange protocol for communicating on the first connection (col. 2, lines 55-59);

at a device 14, opening a second connection to the server 24 (Fig 1; col. 5, lines 24-30; block 120, Fig. 4);

selecting from connections including the second connection, a connection to be an active connection, and (col. 5, lines 43-52, col. 4, line 47-67); and

communicating information via the active connection using the information exchange protocol established for the active connection (col. 5 lines 65-66 and col. 6, lines 1-9; Fig 4, block 132).

**As per claim 2**, Jawanda teaches the method of claim 1 further comprising communicating information configured for the information exchange protocol using the first connection as the active connection prior to selecting the second connection as the active connection (col. 4, lines 35-39; first connection established at power up of terminal; Fig. 4 showing communication in block 104 occurring prior to establishing second connection in block 106).

**As per claim 3**, Jawanda teaches the method of claim 1 in which the second connection is opened prior to establishing the information exchange protocol (col. 4 lines 61-63; determination to open second connection made any time after block 102).

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**As per claim 4**, Jawanda teaches the method of claim 1 in which a single one of the connections is selected as the active connection (col. 2, lines 1-9).

**As per claim 6**, Jawanda teaches the method of claim 1 in which the second connection includes a wireless connection 20 (Fig 1; col. 2 lines 48-56).

**As per claim 7**, Jawanda teaches a method comprising:

at a device 14, opening a first connection to a server 24 (Fig. 1; col. 4, lines 3138; block 102, Fig. 4);

establishing an information exchange protocol for communicating on the first connection (col. 2, lines 55-59);

at a device 14, opening a second connection to the server 24 (Fig 1; col. 5, lines 24-30; block 120, Fig. 4);

selecting from connections including the second connection, a connection to be an active connection, and (col. 5, lines 43-52, col. 4, line 47-67); and

communicating information configured for the information exchange protocol using the active connection (col. 5 lines 65-66 and col. 6, lines 1-9; Fig 4, block 132).

monitoring the connections for a parameter selected from the group consisting of transmittal rate, latency and cost of transmittal (col. 4, lines 61-64 based on transmittal rate; col. 5, lines 48-55 based on signal strength or connection integrity); and

reselecting the active connection to optimize the parameter (col. 5, line; 34-38 and lines 43-55).



**As per claim 19**, Jawanda teaches an apparatus comprising a processor and software (col. 3, lines 29-32) configured to cause the processor to: open a first connection to a server (Fig. 1; col. 2 lines 28-31; col. 6 lines 30-34); establish an information exchange protocol (col. 2, lines 55-59); open a second connection to a server (Fig 1; col. 5, lines 24-30; block 120, Fig. 4 ); select an active connection from connections including the second connection (col. 5, lines 43-52, , col. 4, line 47-67); and communicate information via the active connection using the information exchange protocol established for the first connection (col. 5 lines 65-66 and col. 6, lines 1-9; Fig 4, block 132).

**As per claim 20**, Jawanda teaches the apparatus of claim 19 in which the processor is further configured to monitor the connections for a parameter selected from the group consisting of signal strength, transmittal rate, latency, cost of transmittal, and connection integrity (col. 5, lines 48-55 selection based on signal strength or connection integrity); and reselect the active connection to optimize the parameter (Col. 4, lines 61-64 selection based on transmittal rate; (col. 5, line; 34-38 and lines 43-55).

**As per claim 23**, claim 23 is a product claim containing the same subject matter as the method claim 1. Claim 23 is rejected on the same basis as claim 1.

**As per claim 24**, claim 24 is a product claim containing the same subject matter as the method in claim 4. Claim 24 is rejected on the same basis as claim 4.

**As per claim 25**, claim 25 is rejected for the same reason as claim 7.

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**As per claim 28,** Jawanda teaches a system comprising: a device 14, a server 24, and communication links (Fig. 1), in which the device is configured to: open a first connection to the server using one of the communication links (Fig. 1; col. 2 lines 28-31; col. 6 lines 30-34); establish an information exchange protocol (col. 2, lines 55-59); open a second connection to the server using another of the communication links (Fig 1; col. 5, lines 24-30; block 120, Fig. 4); select an active connection from connections including the second connection (col. 5, lines 43-52); and communicate information via the active connection using the information exchange protocol established for the first connection (col. 5 lines 65-66 and col. 6, lines 1-9; Fig 4, block 132).

**As per claim 29,** Jawanda teaches the system of claim 28 in which at least one of the communication links includes a wireless communication link (Fig 1; col. 2 lines 48-56).

**As per claim 30,** Jawanda teaches the system of claim 28 in which the device is further configured to: monitor the connections for a parameter selected from the group consisting of signal strength, transmittal rate, latency, cost of transmittal, and connection integrity (col. 4, lines 61-64 selection based on transmittal rate; col. 5, lines 48-55 selection based on signal strength or connection integrity); and reselect the active connection to optimize the parameter (col. 5, line; 34-38 and lines 43-55).

**As per claims 31 and 32,** Jawanda teaches system of claim 28 in which the device is further configured to select, from the connections, a connection to be a passive connection, and the system of claim 31 in which the passive connection is maintained while at least some of the information is communicated using the active connection. (col.5, line 20-42)

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**As per claim 38**, Jawanda teaches the method of claim 1 in which the device compares its geographic position to the range of one of the connections. (col. 4, line 20-30)

**As per claims 39 and 40**, Jawanda teaches the method of claim 1 in which the device retains outgoing information until reception is acknowledged, and the method of claim 39 in which the device monitors a buffer that retains outgoing information to determine whether to transmit additional outgoing information. (col. 5, line 20-42)

**As per claim 41**, Jawanda teaches the method of claim 1 in which the device implements software-based application sockets to connect application input/output streams to the server.(Fig. 3, elements 90 and 91)

**As per claims 41, 42 and 43**, Jawanda teaches the method of claim 7 in which the parameter comprises transmittal rate, and the method of claim 7 in which the parameter comprises latency, and the method of claim 7 in which the parameter comprises cost of transmittal. (col. 4, line 61-64, line 20-30, note: cost and latency is inherent to the bandwidth of use)

**As per claim 45**, Jawanda teaches a method comprising:

at a device, opening a first connection to a server; (Fig. 1; col. 4, lines 3138; block 102, Fig. 4);

establishing an information exchange protocol for communicating on the first connection; (col. 2, lines 55-59);

at a device, opening a second connection to the server; (Fig 1; col. 5, lines 24-30;block 120, Fig. 4);

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selecting, from connections including the second connection, a connection to be an active connection and another connection to be a passive connection (col. 5, lines 43-52, col. 4, line 47-67);; and

communicating information configured for the information exchange protocol using the active connection, while maintaining the passive connection. (col. 5, line; 34-38 and lines 43-55).

**As per claim 48**, Jawanda teaches the method of claim 45 that comprises monitoring the connections for a parameter selected from the group consisting of signal strength, transmittal rate, latency, cost of transmittal, and connection integrity. (col. 5, lines 48-55 selection based on signal strength or connection integrity)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 5, 9, 22, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jawanda (US 6,243,581) in view of Westfield (US 6,470,390).**

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**As per claim 5**, Jawanda fails to teach the method of claim 1 in which two or more open connections are selected as the active connection.

Westfield teaches the method of claim 1 in which two or more open connections are selected as the active connection (col. 3 lines 65-67; col. 4 lines 10-20). It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Jawanda and Watson because they both deal with network communications over a plurality of connections between a client and a server. Furthermore, the teaching of Westfield to allow multiple simultaneous active actions allows increased throughput of data and commands between the client and server (Westfield col.4, lines 57-67 and col. 5 lines 1-3).

**As per claim 9**, Jawanda fails to explicitly teach the method of claim 1, 4, or 6 in which the information includes a command that is effected by a module on the server. 37.

Westfield teaches the method of claims 1, 4, or 6 in which the information includes a command that is effected by a module on the server (col. 7, lines 28-34). It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Jawanda and Watson because they both deal with network communications over a plurality of connections between a client and a server. Furthermore, the teaching of Westfield in which the information includes a command that is effected by a module on the server would allow the client to initiate activity on a remote server.

**As per claim 22**, Jawanda fails to teach the apparatus of claim 19 in which the information includes commands that are effected by a module on the server.

Westfield teaches the apparatus of claim 19 in which the information includes commands that are effected by a module on the server. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Jawanda and Watson because they both deal with network communications over a plurality of connections between a client and a server. Furthermore, the teaching of Westfield in which the information includes a command that is effected by a module on the server would allow the client to initiate activity on a remote server.

**As per claim 27**, claim 27 is a product claim having the same subject matter as the method in claim 9. Claim 27 is rejected on the same basis as claim 9.

**7. Claims 8, 10, 18, 21, 26 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jawanda (US 6,243,581) in view of Bernet et al. (hereinafter Bernet) US 20041022191. \**

**As per claim 8**, Jawanda fails to teach the method of claim 1 in which the information is communicated in packets that include aggregated information for more than one application.

Bernet teaches the method of claim 1 in which the information is communicated in packets that include aggregated information for more than one application (Paragraph 0013). It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Jawanda and Bernet because they both deal with network communications between applications on a client and a server. Furthermore, the teaching of Bernet to aggregate packets from more than

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one application would allow more fully utilizing the bandwidth capability of a connection while conserving the resources necessary to open additional connections.

**As per claim 10**, Jawanda in view of Bernet as applied in claim 8 teaches the method of claim 1 in which the information comprises an aggregation of information from applications, but fails to teach that the extent of aggregation for each application being dependent on an indicator of priority for information exchange associated with each application.

Bernet teaches an aggregation of information from applications, the extent of aggregation for each application being dependent on an indicator of priority for information exchange associated with each application (Paragraph 0045; application identifier used to identify application type and establish priority; Paragraph 0047 policy server prioritizes request relative to others). It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Jawanda and Bernet because they both deal with network communications between applications on a client and a server. Furthermore, the teaching of Bernet to make the extent of aggregation for each application be dependent on an indicator of priority for information exchange associated with each application would make allocate finite bandwidth resources based on the importance of the specific traffic involved.

**As per claim 21**, Jawanda fails to teach the apparatus of claim 19 in which the information is communicated in packets, each of at least some of the packets includes aggregated information for different local applications.

Bernet teaches the apparatus of claim 19 in which the information is communicated in packets, each of at least some of the packets includes aggregated information for different local applications. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Jawanda and Bernet because they both deal with network communications between applications on a client and a server. Furthermore, the teaching of Bernet to aggregate packets from more than one application would allow more fully utilizing the bandwidth capability of a connection while conserving the resources necessary to open an additional connection.

**As per claim 26**, claim 26 is a product claim having the same subject matter as the method in claim 8. Claim 26 is rejected on the same basis as claim 8.

**As per claim 46**, Jawanda fails to teach the method of claim 45 in which the information is communicated in packets that include aggregated information for more than one application.

Bernet teaches teach the method of claim 45 in which the information is communicated in packets that include aggregated information for more than one application (Paragraph 0013). It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Jawanda and Bernet because they both deal with network communications between applications on a client and a server. Furthermore, the teaching of Bernet to aggregate packets from more than one application would allow more fully utilizing the bandwidth capability of a connection while conserving the resources necessary to open additional connections.



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**8. Claims 11, 17 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jawanda in view of Inoue et al. (hereinafter Inoue) (US 2005/0132049 a1).**

**As per claim 11,** Jawanda teaches a method comprising:

at a device 14, opening a first connection to a server 24 (Fig. 1; col. 4, lines 3138; block 102, Fig. 4);

establishing an information exchange protocol for communicating on the first connection (col. 2, lines 55-59);

at a device 14, opening a second connection to the server 24 (Fig 1; col. 5, lines 24-30; block 120, Fig. 4);

selecting from connections including the second connection, a connection to be an active connection, and (col. 5, lines 43-52, col. 4, line 47-67); and

communicating information via the active connection using the information exchange protocol established for the active connection (col. 5 lines 65-66 and col. 6, lines 1-9; Fig 4, block 132

Jawanda fails to teach the information comprising a command causes the server to contact a remote system, receive a reply from the remote system, and effect a response without transmitting the reply to the device.

Inoue teaches the information comprising a command causes the server to contact a remote system, receive a reply from the remote system, and effect a response without transmitting the reply to the device. (Abstract; storing them in the cache server cache until requested by client). It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Jawanda and

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Inoue because they both deal with network communications between a client and server. Furthermore, the teaching of Inoue to contact a remote system, receive a reply from the remote system, and effect a response without transmitting the reply to the device would result in a more rapid response to future requests by caching material that it is anticipated will be requested in the immediate future.

**As per claim 17**, Jawanda teaches a method comprising:

at a server 244, accepting connections from a device for communicating information configured by an information exchange protocol; 14 (Fig. 1; col. 4, lines 3138; block 102, Fig. 4);col. 2, lines 55-59);

detecting or selecting one or more of the connections as an active connection; and (col. 5, lines 43-52, col. 4, line 47-67); and

receiving information configured by the information exchange protocol using the active connection, the information comprising a command for a module on the server; and (col. 5 lines 65-66 and col. 6, lines 1-9; Fig 4, block 132)

Jawanda fails to teach effecting the command by contacting a remote server, receiving a reply from the remote server and effecting a response without transmitting the reply to the device.

Inoue teaches effecting the command by contacting a remote server, receiving a reply from the remote server and effecting a response without transmitting the reply to the device. (Abstract; storing them in the cache server cache until requested by client). It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Jawanda and Inoue because they both deal with

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network communications between a client and server. Furthermore, the teaching of Inoue to contact a remote system, receive a reply from the remote system, and effect a response without transmitting the reply to the device would result in a more rapid response to future requests by caching material that it is anticipated will be requested in the immediate future.

**As per claim 13**, Jawanda teaches the method of claim 17 in which a single one of the connections is selected as the active connection (Fig. 4; block 132; transfer of datagrams via WWAN while optionally maintaining WLAN connection).

**As per claim 47**, Jawanda fails to teach the method of claim 45 in which the information comprises a command for a module on the server; and the method comprises effecting the command by contacting a remote server, receiving a reply from the remote server and effecting a response without transmitting the reply to the device.

Inoue teaches effecting the command by contacting a remote server, receiving a reply from the remote server and effecting a response without transmitting the reply to the device. (Abstract; storing them in the cache server cache until requested by client). It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Jawanda and Inoue because they both deal with network communications between a client and server. Furthermore, the teaching of Inoue to contact a remote system, receive a reply from the remote system, and effect a response without transmitting the reply to the device would result in a more rapid response to future requests by caching material that it is anticipated will be requested in the immediate future.

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**9. Claims 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jawanda as applied to claim 12 above in view of Inoue et al. (hereinafter Inoue) (US 2005/0132049 a1) further in view of Bernet et al. (hereinafter Bernet) US 20041022191.**

**As per claim 14,** Jawanda in view of Inoue as applied to claim 17 fails to teach the method of claim 17 in which the information is communicated in packets, one or more of the packets comprising aggregated information for different applications on the device.

Bernet teaches teach the method of claim 14 in which the information is communicated in packets that includes aggregated information for different applications on the device (Paragraph 0013). It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Jawanda and Bernet because they both deal with network communications between applications on a client and a server. Furthermore, the teaching of Bernet to aggregate packets from more than one application would allow more fully utilizing the bandwidth capability of a connection while conserving the resources necessary to open an additional connection.

**As per claim 18,** Jawanda in view of Inoue as applied to claim 17 fails to teach the method of claim 17 in which the information is an aggregation of information for applications, the extent of aggregation for each application being dependent on an indicator of priority for information exchange associated with each application,

Bernet teaches an aggregation of information from applications, the extent of aggregation for each application being dependent on an indicator of priority for

information exchange associated with each application (Paragraph 0045; application identifier used to identify application type and establish priority; Paragraph 0047 policy server prioritizes request relative to others). It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Jawanda and Bernet because they both deal with network communications between applications on a client and a server. Furthermore, the teaching of Bernet to make the extent of aggregation for each application be dependent on an indicator of priority for information exchange associated with each application would make allocate finite bandwidth resources based on the importance of the specific traffic involved.

### ***Conclusion***

**Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within


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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SUPERVISORY PATENT EXAMINER  
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